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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,410	12/11/2000	George Erhardt Platzer JR.	PLG 0102 PUS	1890

7590 01/30/2003

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EXAMINER

SHAFAER, RICKY D.

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/733,410

Applicant(s)

PLATZER, JR.

Examiner

R. O. SMARLEY

Group Art Unit

2872

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

P riod for R eply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 11/06/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-33 is/are pending in the application.
- Of the above claim(s) 1, 2 AND 16-33 is/are withdrawn from consideration.
- ☒ Claim(s) 5-15 is/are allowed.
- ☒ Claim(s) 3 AND 4 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Applicant Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 11
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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1. Newly submitted claims 32 and 33 are directed to one of the other species, such as species "A" to "G", due to the fact that the auxiliary mirror is located within the general perimeter of the main viewing mirror reflective which is not the case with elected species "O", which clearly illustrates that the auxiliary mirror is located outside of the general perimeter of the main viewing mirror reflective.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 32 and 33 are withdrawn from consideration as being directed to a non-elected species. See 37 CFR 1.142(b) and MPEP § 821.03.

2. Applicant's arguments filed 11/06/02 have been fully considered but they are not persuasive. Applicant argues that the reference to McColgan et al does not teach the auxiliary mirror being shaped and portioned for primarily viewing a vehicle which is located in the driver's blind zone. The examiner disagrees and refers applicant to column 3, lines 59 to 64, which clearly states that the auxiliary mirror facilitates the better sighting of vehicles in the driver's blind spots.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Tobin , Jr. ('952).

Tobin, Jr. discloses a mirror assembly comprising a main viewing mirror (30, 60), an auxiliary mirror (32, 62) having a magnification less than that of the main viewing mirror and means (40, 66) for selectively varying the intensity of the reflection from at least a portion of said mirror assembly. See Figures 1-4 and the associated description thereof.

5. Claims 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by McColgan et al ('467).

McColgan et al discloses a mirror assembly comprising a main viewing mirror (4), an auxiliary mirror (8) having a magnification less than that of the main viewing mirror and means (40) for selectively varying the intensity of the reflection from at least a portion of said mirror assembly. See Figures 1-15 and the associated description thereof.

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6. Claims 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanazawa ('532).

Kanazawa discloses a mirror assembly comprising a main viewing mirror (52), an auxiliary mirror (54) having a magnification less than that of the main viewing mirror and means (56) for selectively varying the intensity of the reflection from at least a portion of said mirror assembly. See Figures 1A and 1B and the associated description thereof.

7. Claims 3 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Mou ('993).

Mou discloses a mirror assembly comprising a main viewing mirror (11), an auxiliary mirror (12) having a magnification less than that of the main viewing mirror and means (131) for selectively varying the intensity of the reflection from at least a portion of said mirror assembly. See Figures 2A to 7 and the associated description thereof.

8. Claims 5-15 are allowed.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

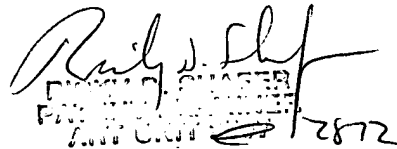
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1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10 Any inquiry concerning this communication should be directed to R. D. Shafer at telephone number (703) 308-4813.

RDS

January 24, 2003



A handwritten signature, likely "R. D. Shafer", is written over a rectangular stamp. The stamp contains the text "UNIT 2872" and "JAN 24 2003". The signature is written in dark ink and is somewhat stylized.